

REMARKS

This paper is timely filed because it is submitted before April 15, 2005 with a certificate of mailing under 37 C.F.R. §1.8, a petition for a one-month extension of time, and a check in the amount of \$120.00 for the required petition fee under 37 C.F.R. §1.17(a)(1).

I. STATUS OF THE AMENDMENT

Claims 1-17 are pending and at issue in this application. Claims 1-8 and 12-17 are rejected as anticipated, and claims 9-11 are indicated to contain allowable subject matter. By this amendment, claims 1 and 8 are amended, and claim 9 is rewritten to be in independent form. As a result of the amendment to claim 9, applicants submit that claims 9-11 are allowable. No fee is required for the amendment to claim 9 because the three now-pending independent claims were paid for by the original basic filing fee set forth under 37 C.F.R. §1.16(a)(1). Applicants submit that no new matter is added through the amendments to claims 1, 8 and 9.

II. APPLICANTS' INTERVIEW SUMMARY RECORD

Applicants wish to thank Examiner Ali for participating in a teleconference with the applicants' attorney Roger A. Heppermann on Wednesday, March 16, 2005. During the course of the interview, the patentable features of the invention were discussed in relation to Strauch, and terminology intended to clarify limitations that are inherent in the original claims was agreed upon.

III. REJECTION UNDER 35 U.S.C. §102(e)

Applicants respectfully traverse the rejection of claims 1-8 and 12-17 as anticipated by Strauch et al., U.S. Patent No. 6,522,939 B1 (hereinafter "Strauch"). Independent claims 1 and 8 are amended to reflect the agreed upon terminology, but claims 1 and 8 are not considered to be narrowed by these amendments. In particular,

claims 1 and 8 are amended to clarify that the batch process event information includes batch subprocedure information related to, for example, the different subprocedures or phases of a batch. This meaning was deemed to be inherent in the claims as originally filed and thus the claims are not narrowed by this amendment.

As is now clear from these amendments, independent claims 1 and 8 recite, in relevant part, automatically deriving relationships among portions of process event information and batch subprocedure event information. In other words, disparate types of data such as the process event information received from process devices and the batch subprocedure event information received from a batch control device are automatically linked together to “provide a comprehensive, understandable presentation”¹ of the operation of the batch process to the user.

Strauch does not disclose, or even suggest, automatically deriving relationships among portions of process event information and batch subprocedure event information. While Strauch discloses a supervisory system that monitors product parameters associated with the overall production of a group of contact lenses, the supervisory system operates on a continuous flow production line not on a batch process having batch subprocedures. In fact, the continuous flow production line of Strauch does include batch subprocedures of any kind. Thus, Strauch cannot disclose monitoring batch subprocedure event information or linking such event information to process event information. Because the Strauch system does not include and monitor batch subprocedures, Strauch cannot automatically derive a relationship between the monitored product parameters and the batch subprocedure event information, as recited by claims 1-8 and 12-17. For these reasons, Strauch

¹ See Discussion of the Related Art section on page 6, lines 22 – 24.

does not anticipate² claims 1-8 and 12-17. Moreover, because Strauch does not teach or suggest all of the claim limitations, a *prima facie* case of obviousness cannot be established. Thus, Strauch cannot render claims 1-8 and 12-17 obvious.

IV. CONCLUSION

For these foregoing reasons, applicants submit the application is in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims are therefore respectfully requested. If there are any additional fees or refunds required, the Commissioner is directed to charge or credit Deposit Account No. 13-2855 (06005/36359). A copy of this paper is included for this purpose.

Respectfully submitted,

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² "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).